

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

KENDALE JUDGE,

Plaintiff,

v.

**9:13-CV-727
(FJS/DEP)**

C. O. GIBSON,

Defendant.

APPEARANCES

OF COUNSEL

KENDALE JUDGE

12-A-4883

Bare Hill Correctional Facility

181 Brand Road

Caller Box 20

Malone, New York 12953-0020

Plaintiff *pro se*

**OFFICE OF THE NEW YORK STATE
ATTORNEY GENERAL**

The Capitol

Albany, New York 12224

Attorneys for Defendant

COLLEEN D. GALLIGAN, AAG

SCULLIN, Senior Judge

ORDER

Currently before the Court is Magistrate Judge Peebles' February 10, 2015 Report and Recommendation, in which he recommended that this Court grant Defendant's motion for summary judgment and dismiss Plaintiff's complaint in its entirety. *See* Dkt. 25. The parties did not file any objections to this recommendation.

When a party does not object to a magistrate judge's report-recommendation, the court reviews that report-recommendation for clear error or manifest injustice. *See Linares v. Mahunik*, No. 9:05-CV-625, 2009 WL 3165660, *10 (N.D.N.Y. July 16, 2009) (citation and footnote omitted). After conducting this review, "the Court may 'accept, reject, or modify in whole or in part, the . . . recommendations made by the magistrate judge.'" *Id.* (quoting 28 U.S.C. § 636(b)(1)(C)).

The Court has reviewed Magistrate Judge Peebles' February 10, 2015 Report and Recommendation for clear error and manifest injustice; and, finding none, the Court hereby

ORDERS that Magistrate Judge Peebles' February 10, 2015 Report and Recommendation is **ACCEPTED in its entirety** for the reasons stated therein; and the Court further

ORDERS that Defendant's motion for summary judgment, *see* Dkt. No. 22, is **GRANTED**; and the Court further

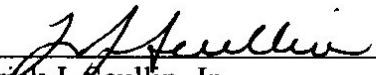
ORDERS that the Plaintiff's complaint is **DISMISSED** in its entirety; and the Court further

ORDERS that the Clerk of the Court shall enter judgment in favor of Defendant and close this case; and the Court further

ORDERS that the Clerk of the Court shall serve a copy of this Order on the parties in accordance with the Local Rules.

IT IS SO ORDERED.

Dated: March 3, 2015
Syracuse, New York


Frederick J. Scullin, Jr.
Senior United States District Court Judge